



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RC RECREATION DEVELOPMENT, LLC,
Plaintiff,

v.

THE TOWN OF YORKTOWN, N.Y.,
MATTHEW J. SLATER, SERGIO ESPOSITO,
and JOHN H. LANDI,
Defendants.
-----X

ORDER REMANDING CASE

22 CV 7216 (VB)

By Memorandum Opinion and Order dated January 3, 2023, the Court denied plaintiff's motion to remand this action to Supreme Court, Westchester County, and set out the relevant procedural history of this case. (Doc. #21). In a separate Order dated January 3, 2023, the Court observed:

[I]f plaintiff truly wants to litigate this case in state court, it may do so by voluntarily withdrawing its federal claims, in which case the Court would have to deny the pending motion to dismiss without prejudice and remand the case to state court because it would no longer have supplemental jurisdiction over the state law claims.

(Doc. #22). The Court also directed, if "plaintiff decides to voluntarily withdraw its federal claims, it shall so advise the Court in writing, in which case the Court will deny the pending motion to dismiss without prejudice and remand the case to state court." (Id.).

On January 6, 2023, plaintiff filed a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), dismissing and discontinuing the Seventh through Tenth Causes of Action set forth in the complaint, which are the only federal claims in this case. (Doc. #23).

Accordingly, it is HEREBY ORDERED:

1. The Seventh through Tenth Causes of Action are DISMISSED WITHOUT PREJUDICE.

2. Pursuant to 28 U.S.C. § 1367(c)(3), since all claims over which it had original jurisdiction have been dismissed, the Court declines to exercise supplemental jurisdiction over the remaining claims in this case, all of which are claims brought pursuant to state law. As a result, the case must be remanded to state court.

3. The pending motion to dismiss (Doc. #13) is DENIED WITHOUT PREJUDICE.

4. The case management conference scheduled for February 2, 2023, is
CANCELLED.

5. The Clerk is instructed to terminate the motion. (Doc. #13).

6. The Clerk is further instructed to remand this case to Supreme Court, Westchester
County.

Dated: January 9, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge